

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 135**

February 7, 2017

**SUMMARY OF BILL:** Provides release eligibility to persons sentenced to imprisonment for life after serving 60 percent of 60 years, but in no case less than 25 consecutive years, rather than 100 percent of the sentence received. Requires the Department of Correction (DOC) to provide notice to affected inmates. Requires an inmate to execute a written request for eligibility.

**ESTIMATED FISCAL IMPACT:**

**Decrease State Expenditures –**

**\$1,130,000/Incarceration\*/FY21-22 and Subsequent Years**

**Assumptions:**

- Public Chapter 591 of the Acts of 1989 (PC591) enacted the Tennessee Criminal Sentencing Reform Act of 1989 (SRA). The effective date of the SRA was November 1, 1989.
- The SRA established, under Tenn. Code Ann. § 40-35-501, that anyone sentenced to imprisonment for life for first degree murder would be eligible for release after serving 60 percent of 60 years (36 years), but in no event would one be eligible before serving at least 25 consecutive years.
- Public Chapter 492 of the Acts of 1995 (PC492) added a subsection to Tenn. Code Ann. § 40-35-501 that enumerated certain offenses for which anyone sentenced for those offenses after July 1, 1995 must serve 100 percent of the sentence received minus any sentencing credits up to 15 percent of the sentence received. The enumerated list includes first degree murder. PC492 requires one convicted of first degree murder to serve at least 51 years before becoming eligible for release.
- The proposed legislation would permit inmates sentenced to imprisonment for life after July 1, 1995, to become eligible for release under PC591 (60 percent of 60 years, or 36 years) rather than under PC492 (100 percent, but no less than 85 percent, or 51 years).
- The first inmate that could possibly be released under the bill would not be eligible for release until July 1, 2020 (July 1, 1995 + 25 years). However, the Department of Correction first has to provide notice to an eligible inmate, the eligible inmate would have to execute the required written request, a parole hearing would have to be conducted for the eligible inmate, and a release date for the eligible inmate must be determined. As a result of this process, it is assumed that the first inmates eligible for

parole under the proposed legislation will not be granted release until FY21-22. Therefore, the proposed legislation will decrease state incarceration costs beginning in FY21-22.

- Statistics from the DOC show a 10-year average of 67.6 admissions per year for first degree murder. Beginning July 1, 2021, it is assumed that five percent ( $67.6 \times 0.05 = 3.38$ ) of the inmates per year will be released.
- The bill will result in each of the three affected inmates serving 15 fewer years (51 years – 36 years), or 5,478.75 fewer days, than the inmate would under current law.
- According to the DOC, the average operating cost per offender per day for calendar year 2017 is \$68.75.
- The proposed legislation will decrease recurring state incarceration costs by \$1,129,992 ( $3 \times 5,478.75 \times \$68.75$ ) beginning in FY21-22.

*\*Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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